

Superseded 5/12/2015
17-27a-306 Townships.

- (1)
- (a) A township may be established as provided in this Subsection (1).
 - (b) A township may not be established unless the area to be included within the proposed township:
 - (i) is unincorporated;
 - (ii) is contiguous; and
 - (iii)
 - (A) contains:
 - (I) at least 20% but not more than 80% of:
 - (Aa) the total private land area in the unincorporated county; or
 - (Bb) the total value of locally assessed taxable property in the unincorporated county; or
 - (II)
 - (Aa) in a county of the first, second, or third class, at least 5% of the total population of the unincorporated county; or
 - (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of the unincorporated county; or
 - (B) has been declared by the United States Census Bureau as a census designated place.
 - (c)
 - (i) The process to establish a township is initiated by the filing of a petition with the clerk of the county in which the proposed township is located.
 - (ii) A petition to establish a township may not be filed if it proposes the establishment of a township that includes an area within a proposed township in a petition that has previously been certified under Subsection (1)(g), until after the canvass of an election on the proposed township under Subsection (1)(j).
 - (d) A petition under Subsection (1)(c) to establish a township shall:
 - (i) be signed by the owners of private real property that:
 - (A) is located within the proposed township;
 - (B) covers at least 10% of the total private land area within the proposed township; and
 - (C) is equal in value to at least 10% of the value of all private real property within the proposed township;
 - (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be established as a township;
 - (iii) indicate the typed or printed name and current residence address of each owner signing the petition;
 - (iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
 - (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and
 - (vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to establish a township.
 - (e) Subsection 10-2-101(3) applies to a petition to establish a township to the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.
 - (f)

- (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing the establishment of a township in a county of the first or second class, the county clerk shall provide notice of the filing of the petition to:
 - (A) each owner of real property owning more than 1% of the assessed value of all real property within the proposed township; and
 - (B) each owner of real property owning more than 850 acres of real property within the proposed township.
- (ii) A property owner may exclude all or part of the property owner's property from a proposed township in a county of the first or second class:
 - (A) if:
 - (I)
 - (Aa)
 - (li) the property owner owns more than 1% of the assessed value of all property within the proposed township;
 - (Ilii) the property is nonurban; and
 - (IIIiii) the property does not or will not require municipal provision of municipal-type services; or
 - (Bb) the property owner owns more than 850 acres of real property within the proposed township; and
 - (II) exclusion of the property will not leave within the township an island of property that is not part of the township; and
 - (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice under Subsection (1)(f)(i).
- (iii)
 - (A) The county legislative body shall exclude from the proposed township the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).
 - (B) If the county legislative body excludes property from a proposed township under Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion, send written notice of its action to the contact sponsor.
- (g)
 - (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (1)(d); and
 - (B)
 - (I) if the clerk determines that the petition complies with the requirements of Subsection (1)(d):
 - (Aa) certify the petition and deliver the certified petition to the county legislative body; and
 - (Bb) mail or deliver written notification of the certification to the contact sponsor; or
 - (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
 - (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
- (h)
 - (i) Within 90 days after a petition to establish a township is certified, the county legislative body shall hold a public hearing on the proposal to establish a township.

- (ii) A public hearing under Subsection (1)(h)(i) shall be:
 - (A) within the boundary of the proposed township; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
 - (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing:
 - (A) at least once in a newspaper of general circulation in the county; and
 - (B) on the Utah Public Notice Website created in Section 63F-1-701.
 - (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body shall arrange for the proposal to establish a township to be submitted to voters residing within the proposed township at the next regular general election that is more than 90 days after the public hearing.
 - (j) A township is established at the time of the canvass of the results of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal to establish a township voted in favor of the proposal.
 - (k)
 - (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is reinstated as a township under this part with the same boundaries and name as before the dissolution, if the former township consisted of a single, contiguous land area.
 - (ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an ordinance establishing as a township under this part a former township that was dissolved under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be reinstated under Subsection (1)(k)(i).
 - (iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection (1)(k)(ii) is subject to the provisions of this part.
 - (l) A township established under this section on or after May 5, 1997, may use the word "township" in its name.
- (2) The county legislative body may:
- (a) assign to the countywide planning commission the duties established in this part that would have been assumed by a township planning commission designated under Subsection (2)(b); or
 - (b) designate and appoint a planning commission for the township.
- (3)
- (a) An area within the boundary of a township may be withdrawn from the township as provided in this Subsection (3).
 - (b) The process to withdraw an area from a township is initiated by the filing of a petition with the clerk of the county in which the township is located.
 - (c) A petition under Subsection (3)(b) shall:
 - (i) be signed by the owners of private real property that:
 - (A) is located within the area proposed to be withdrawn from the township;
 - (B) covers at least 50% of the total private land area within the area proposed to be withdrawn from the township; and
 - (C) is equal in value to at least 33% of the value of all private real property within the area proposed to be withdrawn from the township;
 - (ii) state the reason or reasons for the proposed withdrawal;
 - (iii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be withdrawn from the township;

- (iv) indicate the typed or printed name and current residence address of each owner signing the petition;
 - (v) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
 - (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and
 - (vii) request the county legislative body to withdraw the area from the township.
- (d) Subsection 10-2-101(3) applies to a petition to withdraw an area from a township to the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.
- (e)
- (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (3)(c); and
 - (B)
 - (I) if the clerk determines that the petition complies with the requirements of Subsection (3)(c):
 - (Aa) certify the petition and deliver the certified petition to the county legislative body; and
 - (Bb) mail or deliver written notification of the certification to the contact sponsor; or
 - (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
 - (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
- (f)
- (i) Within 60 days after a petition to withdraw an area from a township is certified, the county legislative body shall hold a public hearing on the proposal to withdraw the area from the township.
 - (ii) A public hearing under Subsection (3)(f)(i) shall be held:
 - (A) within the area proposed to be withdrawn from the township; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
 - (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative body shall:
 - (A) publish notice of the petition and the time, date, and place of the public hearing:
 - (I) at least once a week for three consecutive weeks in a newspaper of general circulation in the township; and
 - (II) on the Utah Public Notice Website created in Section 63F-1-701, for three consecutive weeks; and
 - (B) mail a notice of the petition and the time, date, and place of the public hearing to each owner of private real property within the area proposed to be withdrawn.
- (g)
- (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county legislative body shall make a written decision on the proposal to withdraw the area from the township.
 - (ii) In making its decision as to whether to withdraw the area from the township, the county legislative body shall consider:

- (A) whether the withdrawal would leave the remaining township in a situation where the future incorporation of an area within the township or the annexation of an area within the township to an adjoining municipality would be economically or practically not feasible;
 - (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn area:
 - (I) whether the proposed subsequent incorporation or withdrawal:
 - (Aa) will leave or create an unincorporated island or peninsula; or
 - (Bb) will leave the county with an area within its unincorporated area for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years; and
 - (II) whether the municipality to be created or the municipality into which the withdrawn area is expected to annex would be or is capable, in a cost effective manner, of providing service to the withdrawn area that the county will no longer provide due to the incorporation or annexation;
 - (C) the effects of a withdrawal on adjoining property owners, existing or projected county streets or other public improvements, law enforcement, and zoning and other municipal services provided by the county; and
 - (D) whether justice and equity favor the withdrawal.
- (h) Upon the written decision of the county legislative body approving the withdrawal of an area from a township, the area is withdrawn from the township and the township continues as a township with a boundary that excludes the withdrawn area.
- (4)
- (a) A township may be dissolved as provided in this Subsection (4).
 - (b) The process to dissolve a township is initiated by the filing of a petition with the clerk of the county in which the township is located.
 - (c) A petition under Subsection (4)(b) shall:
 - (i) be signed by registered voters within the township equal in number to at least 25% of all votes cast by voters within the township at the last congressional election;
 - (ii) state the reason or reasons for the proposed dissolution;
 - (iii) indicate the typed or printed name and current residence address of each person signing the petition;
 - (iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
 - (v) authorize the petition sponsors to act on behalf of all persons signing the petition for purposes of the petition; and
 - (vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to dissolve the township.
 - (d)
 - (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (4)(c); and
 - (B)
 - (I) if the clerk determines that the petition complies with the requirements of Subsection (4)(c):
 - (c):
 - (Aa) certify the petition and deliver the certified petition to the county legislative body; and
 - (Bb) mail or deliver written notification of the certification to the contact sponsor; or

- (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
 - (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
- (e)
- (i) Within 60 days after a petition to dissolve the township is certified, the county legislative body shall hold a public hearing on the proposal to dissolve the township.
 - (ii) A public hearing under Subsection (4)(e)(i) shall be held:
 - (A) within the boundary of the township; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
 - (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing:
 - (A) at least once a week for three consecutive weeks in a newspaper of general circulation in the township; and
 - (B) on the Utah Public Notice Website created in Section 63F-1-701, for three consecutive weeks immediately before the public hearing.
- (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body shall arrange for the proposal to dissolve the township to be submitted to voters residing within the township at the next regular general election that is more than 90 days after the public hearing.
- (g) A township is dissolved at the time of the canvass of the results of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal to dissolve the township voted in favor of the proposal.